

### Written homework – *Letson* case

This case is about overlapping diversity of citizenship. The defendant's (i.e the Railroad's plea) was amended as follows:

An action is brought by a citizen of New York, in the Circuit Court in South Carolina, against a corporation whose members are alleged to be citizens of South Carolina. A plea to the jurisdiction is set up, in which it is averred: 1st. That two of the members of the corporation sued are citizens of North Carolina. 2d. That the state of South Carolina is also a member. 3d. That two other corporations are also members, and that some of the members of each of them are citizens of the state of New York.

The objections to the jurisdiction of the court arising out of these facts are embraced in the following propositions:

- i. That a citizen of one state cannot sue a corporation in the Circuit Court of the United States in another state, unless all the members of the corporation sued are citizens of the state in which the suit is brought.
- ii. That a citizen of one state cannot sue a corporation in the Circuit Court of the United States in another state, if the state be a member of the corporation, though all the other members of the corporation may be citizens of the state.
- iii. That a citizen of one state cannot sue a corporation in the Circuit Court of the United States in another state, where one of the members of the corporation sued is another corporation, any of whose members are citizens of the same state with the plaintiff.

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1. With this amended averment this case should be problematic according to the diversity procedure established in the *Strawbridge* case. Why?
2. Which theory of corporate personality (i.e. creature, group, person) does the Supreme Court seem to be embracing here?
3. Explain how the Court has accommodated the corporation within that theory.